

**REMARKS**

Claims 1-20 are pending in the application and stand rejected.

**Claim Rejections - 35 U.S.C. § 103(a)**

Claims 1-18 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Edson (US 6,526,581) in view of Lee (US 2003/0078990) and in view of Skladman (US 2003/0026393) and in view of newly cited Kim (US 5,894,508).

In the present rejection, the Examiner contends:

Edson in view of Lee and further in view of Skladman don't disclose transmitting the control command to change the fax machine into an ON state when the fax machine is detected in an OFF state according to an information of the fax machine to perform the fax function accordingly.

Kim discloses, a control command "the ringing signal which indicates that there is a data transmission" and turn a fax machine ON to perform the fax operation (Col. 1, lines 58-62, Col. 2, lines 55-65 and Col. 3, lines 8-14 also see Fig. 2).

Therefore, it would be have been obvious to one with ordinary skill in the art at the time of the invention to modify Edson in view of Lee and Skladman using the function of turn the fax machine ON/OFF based on its state when a data is received, as taught by Kim in order to save power.

(*Office Action*, p. 4).

Despite the Examiner's position, Applicant submits that even if Kim is combined with Edson, Lee and Skladman as suggested by the Examiner, the suggested combination fails to disclose "a fax machine connected to the home network through a power switch and a telephone line," as recited in claim 1.

In the Office Action, the Examiner fails to provide a clear indication of which reference discloses or fairly suggests the feature "a fax machine connected to the home network through a power switch."

First, as set forth in the Pre-Appeal Brief Request for Review filed we submitted neither Edson, Lee, Skladman nor Kimura disclose a fax machine connected to a network through a

power switch. Consequently, in view of this argument, prosecution was reopened. However, Applicant notes that newly applied Kim also fails to disclose any such feature. Thus, even if the applied references are combined as suggested we remain of the view that this feature is not disclosed.

In the Response to Arguments section of the Office Action of December 27, 2007, the

Examiner contends:

Edson clearly discloses a fax machine (Fig. 1, el. 33) connected to the home network (Fig. 1, el. 21 and 23) through a power switch (not shown but inherent. All fax machines must have a power switch) and a telephone line (Fig. 2, el. 19, 15; also see Col. 4, lines 25-30).

*(Office Action, p. 2.)*

Consequently, Applicant submitted that the Examiner was relying on inherency to support that the fax machine is connected to the home network through a power switch. As a basis for this position, the Examiner alleged that all fax machines must have a power switch. However, Applicant submits that even if such were the case, i.e. all fax machines have a power switch, this fails to support the Examiner's position that the fax machine is connected to a home network through the power switch. Rather, this inherency argument merely provides support that the fax machine has a power switch.

Furthermore, while Edson utilizes both a power line 23 and a twisted pair of wires 21 for connecting devices, Edson only uses a single line, either the power line 23 or the twisted pair of wires 21 for the connection. Edson never discloses that a device is connected using both a power line 23 and a twisted pair of wires 21. Thus, one of ordinary skill in the art would read Edson as teaching away from using a power line 23 connection when a twisted pair of wires 21 is accessible.

Additionally, in the Advisory Action of March 18, 2008, the Examiner asserted:

Examiner believe that the Applicant misconstrue the rejection in the light of the combination of the references. Kimura suggest, transmitting a control command to a power switch to change the state of the fax machine, Kimura in combination with the other references (Edson, Lee, Skladman) provide this feature through a separate AC connection to control the power in order to receive fax data without failure. Examiner believe that the combination of the references still teach the claimed invention, therefore maintain the final rejection.

*(Advisory Action, p. 1).*

In contrast to the Examiner's position, Applicants submitted the applied combination fails to disclose "a fax machine connected to the home network through a power switch and a telephone line." As set forth in the Response filed February 27, 2008, Applicant again emphasized Edson uses only a single line, either the power line 23 or the twisted pair of wires 21 for the network connection. Edson never discloses that a device is connected using both a power line 23 and a twisted pair of wires 21.

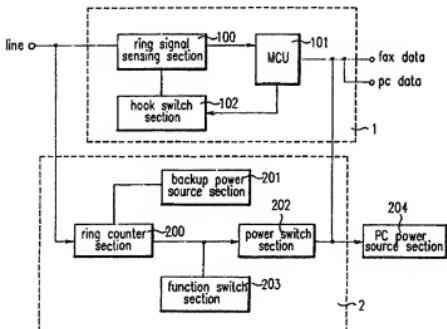
Moreover, in that Pre-Appeal Brief Request for Review, Applicant noted that while Kimura (withdrawn in this current Office Action) discloses transmitting a control command to the energy saving control unit 13, this energy saving control unit 13 is internal to the facsimile apparatus 1. More particularly, the energy saving control unit 13 is only connected to the system control unit 5 of the fax machine 1 (see FIG. 1) and to an external device 22 via a communications line 24. Additionally, as shown in FIG. 2, there are no direct connections between the energy saving control unit 13 and any AC power source. While this energy saving control unit 13 sends a signal to the system control unit 5 to cancel the energy saving mode, this in no way correlates to having a network connected to the facsimile apparatus 1 via a power switch.

Additionally, Applicant respectfully submits newly applied Kim, similar to Kimura, also fails to disclose this feature. In particular, with reference to FIG. 2 of Kim reproduced below,

the fax/modem includes a fax/modem operative section 1 and a power control section 2. (2: 55-62). Further, a (telephone) line is the only connection through which the fax/modem receives data. (2: 64-67; 3: 4-6)

In operation, when a conventional ring or bell signal is received from the telephone line, the ring counter section 200 outputs a high level. (3:6-7). In response to this high level output, a power switch section 202 turns the power on and off in accord with the control signal from the ring counter section 200. (3:9-11).

## F I G.2



However, no network connectivity is disclosed. Rather, the ring counter section 200 merely monitors the incoming line for a ring tone and outputs a high level if a ring tone is detected. Absent from Kim's disclosure is any network connection of the fax/modem through the power switch 202. Rather, Kim expressly discloses that this power switch 202 merely receives a control signal from the ring counter section 200 which is internal to the fax/modem: this is not a network connection.

Thus, Applicant submits the applied combination fails to disclose “a fax machine connected to the home network through a power switch and a telephone line,” as recited in claim 1.

Additionally, Applicant also submits that the applied combination fails to disclose “the fax data processing unit transmits a control command to the power switch through the middleware server to change the fax machine into an on state,” as recited in claim 1.

As noted above, the Examiner contends the ringing signal is a control command. Applicant disagrees. Rather, Kim merely discloses that this ringing signal, which is known to conventionally accompany all telephone calls, is merely monitored. Further, it is the ring counter section 200 internal to the fax machine that performs the monitoring and sends the control signal. (3:4-11). Nowhere does Kim disclose that the control signal be sent from a middleware server. Rather, Kim expressly discloses that this control signal, i.e., high level, is generated internally by the ring counter section 200. Further, no such combination of features is disclose or fairly suggested by any of the applied references.

Therefore, Applicant also submits the applied combination fail to disclose “the fax data processing unit transmits a control command to the power switch through the middleware server to change the fax machine into an on state,” as recited in claim 1.

Thus, Applicant submits claim 1 is allowable for at least those reasons set forth above. Additionally, because claims 6 and 11 recite similar features, Applicant submits these claims are allowable for the same reasons set forth above with regard to claim 1. Finally, Applicant submits claims 2-5, 7-10 and 12-18 are allowable, at least by virtue of their dependencies.

**Claim Rejections - 35 U.S.C. § 103(a)**

Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable Edson (US 6,526,581) in view of Lee (US 2003/0078990) and in view of Skladman (US 2003/0026393) and in view of Kim (US 5,894,508) and in view of Frise (6,628,771).

In the rejection, the Examiner contends Edson, Lee, Skladman and Kimura fail to disclose how a power jack, power switch, power plug and adapter are connected together. To cure this deficiency, the Examiner applies Frise.

In response, Applicant submits that because Frise, either taken alone or in combination with Edson, Lee, Skladman or Kim, fails to compensate for the above noted deficiencies of the Edson/Lee/Skladman/Kim combination as set forth above with regard to claims 1 and 6, claims 19 and 20 are allowable, at least by virtue of their dependency.

**Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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